

Remarks

Claims 1-5, 12 and 14 were acted upon in the aforesaid Office Action.

Claims 4, 5 and 12 have been canceled and no new claim has been added, leaving claims 1-3 and 14 for consideration.

The specification stands objected to for failing to provide proper antecedent basis for the proximal and distal end sections of the elongate body being "rigid." The term "rigid" has been deleted from the claims.

Similarly, the specifications stand objected to for failing to support a "hollow rigid tube." Again, the term "rigid" has been deleted from the claims and the end sections of the elongate body are now described in the claims as having a "generally cylindrically shaped section" which appears to be supported by FIG. 11, wherein the end section 405 is depicted as generally cylindrically shaped.

Claims 1-3, and 14 stand rejected under 35 U.S.C. 112 for use of the term "rigid," which has now been deleted.

Claims 1-3 and 14 stand further rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,911,732 - Hojeibane in view of USP 5,755,778 - Kleshinski.

Claim 1 has been amended to limit the invention claimed to including "a plurality of intermediate elongated generally cylindrically shaped spring elements...each having a plurality of barbs extending therefrom," and to "each of said spring elements comprising, at least in part, undulating spring members of generally U-shaped configuration...extending substantially

widthwise of said elongated body longitudinal axis," the spring segments being configured in an extended state to provide a first length...and "configured in a contracted state to provide a second length...shorter than the first length."

In FIG. 1 of Hojeibane there is shown a mesh tubular shaped prosthesis including a host of "curved connectors" 77a which are generally U-shaped but extending lengthwise of the elongated body 70. The orientation of the curved connectors facilitates the desired expanded diameter of the body 70.

Claim 1 calls for undulating spring members wherein the U-shaped members are limited to extending widthwise of the body axis to effect change in the length of the body to effect desired reduction of mitral regurgitation.

Claims 2 and 3 each depend from claim 1.

Kleshinski shows barbs extending from collars 14, 16, 40, but the collars are interconnected by tubular sections 22, 24 of fabric. In an alternative embodiment, the tubular sections are wire meshes adapted to expand and contract widthwise, rather than lengthwise.

Accordingly, it appears that claim 1 stands clear of the teachings of Hojeibane and Kleshinski and should be considered allowable thereover. Claims 2 and 3 depend from claim 1 and would appear to be allowable, at least through dependency.

Similarly, claim 14 is limited to the intermediate segments "comprising, at least in part, undulating spring members of generally U-shaped configuration, each...extending substantially widthwise of said elongated body."

Further, claim 14 is limited to "said intermediate segments being connected to said end sections and to each other throughout the respective peripheries thereof," a further feature shown in FIG 11. It appears that Hojeibane shows intermediate sections connected to each other at a particular point on their peripheries, rather than throughout the respective peripheries thereof.

In view thereof, claim 14 appears to be in allowable condition.

In summary, allowance of claims 1-3 and 14 is most respectfully requested.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully,



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